

Water Management Agreement
Canjilon Acéquias

THIS WATER MANAGEMENT AGREEMENT is entered into this 11th day of November, 2018 by and among the following five historic community acéquias diverting water from Canjilon Creek (collectively “Acéquias” or individually “Acéquia”):

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|-----------------------------|---------------------------------|
| Acéquia del Bordo | Acéquia del Llano |
| Acéquia del Brazito | Acéquia de la Otra Banda |
| Acéquia el Pinabetal | |

WHEREAS, these Acéquias are political subdivisions of the State of New Mexico and each is constituted as a historic community acéquia with its own autonomy, governed by an elected commission and managed by a mayordomo;

WHEREAS, the Acéquias desire to cooperate and work together to share and make beneficial use of water for irrigation and related beneficial uses; and

WHEREAS, these Acéquias may have different historic priority dates, the purpose of this Agreement is to memorialize management and water sharing practices and procedures in times of shortage to allocate water on an equal basis among the Acéquias.

NOW THEREFORE, for their mutual benefit, the Acéquias agree as follows:

1. Joint Annual Meeting. Because these five Acéquias divert from the same surface water source, the Acéquias shall hold a Joint Annual Meeting no later than the first Monday of April “for the purpose of making a true, just and equitable apportionment and distribution of the water for their respective ditches”, pursuant to § 73-2-47 NMSA 1978 (1903). To that end, each Acéquia will be represented by its three commissioners and mayordomo and each Acéquia shall have one vote, regardless of the number of representatives in attendance. Representation of a minimum of four of the five Acéquias shall be necessary to establish a quorum for conducting business. Pursuant to § 73-2-48 NMSA 1978 (1903), at the Joint Annual Meeting the Acéquias shall elect a chair and secretary; shall direct the five mayordomos to work together during the upcoming irrigation season and to perform the day-to-day management duties required under this Agreement. It shall be the duty of the secretary to keep in a proper book all of the proceedings of the meeting and to furnish the respective Acéquias with a certified copy of the rules and regulations adopted at said meeting, consistent with this Agreement. In addition to the Joint Annual Meeting, the Acéquias may hold other joint public meetings from time to time to conduct business necessary to carry out this Agreement. Notice of any meeting shall be made to the commissioners and mayordomo of each Acéquia in accordance with notice rules to be adopted from time to time.

2. **Declaration of Shortage.** It shall be the duty of the five mayordomos, after consultation with one another, to make a Declaration of Shortage when surface supplies are no longer sufficient to provide all ditches with adequate water for irrigation at the same time. The five mayordomos shall suspend or terminate the Declaration when shortage conditions no longer persist. Upon Declaration of Shortage and so long as shortage continues during the irrigation season, it shall be the duty of the five mayordomos to adjust diversions to assure that each ditch receives the amount of water it is entitled to as described in paragraph 3 below. If necessary, any matter to be decided by the mayordomos may be put to a vote. The five mayordomos' responsibility is to allocate water between and among the Acéquias, not within an Acéquia. Once water is diverted into an Acéquia, it shall be the responsibility of that Acéquia's mayordomo to manage and allocate water within the ditch.
3. **Shortage Sharing.** Pursuant to § 73-2-49 NMSA 1978 (1903) the apportionment and distribution of the water shall be made in accordance with the rights of each Acéquia, and in proportion to the lands irrigated by each ditch. This means, while shortage is in effect all Acéquias will share on a pro rata basis in the available supply. Shortage sharing shall be carried out by rotating supply among the Acéquias so that each ditch receives water in turn and all ditches receive water before initiating the next round of rotation. The five mayordomos will manage rotation and will maintain a written schedule that calculates and allocates the time available to each Acéquia based on the number of acres in active irrigation on that Acéquia during Shortage and to provide each ditch with its pro rata share of time for diversion from the river. In preparing the rotation schedule, the five mayordomos shall also consider the need for stockwater. The five mayordomos may make adjustments to the schedule in order to avoid waste and increase the beneficial use of water by the Acéquias. The five mayordomos shall keep records of the order of rotation and shall adjust future rotations so that the place of each Acéquia in the order also rotates from season to season (e.g., ditches that received water later in the order in a prior irrigation season will receive water earlier in the next season).
4. **Ditchworks and Conservation.** Each Acéquia will keep its diversion structure and head gates in good working order. Each Acéquia also agrees to maintain its ditchworks in good order to facilitate efficient flow and use of water for irrigation and to prevent waste. The Acéquias agree to work together to secure funding to improve their ditch operations and water management.
5. **Modifications.** This Agreement may be amended or modified by written agreement of all five Acéquias and, unless terminated by unanimous agreement, shall continue in full force and effect.

WITNESS OUR HANDS, THE COMMISIONERS OF THESE ACÉQUIAS

Acéquia del Bordo

Ross Martinez
Name: Ross Martinez
Title: President

Fernando Macs
Name: Fernando Macs
Title: Secretary

David Manzanares
Name: David Manzanares
Title: Treasurer

Acéquia del Brazito

Jackie Rae Weston
Name: Jackie Rae Weston
Title: President

Norman Vigil
Name: Norman Vigil
Title: Secretary

Alex Leyba
Name: Alex Leyba
Title: Mayordomo

Scott Bylotsky
Name: Scott Bylotsky, commisioner

Cresimo A. Martinez
Name: Cresimo A. Martinez
Title: Secretary/Treasurer

Joaquin Valdez
Name: Joaquin Valdez
Title: Chairman

Jorge M. Mora
Name: Jorge M. Mora
Title: Mayordomo
El Pari. Vital

Acéquia del Llano

Norman Vigil
Name: Norman Vigil
Title: President

Leyba
Name: Leyba
Title: Mayordomo

David Martinez
Name: David Martinez
Title: Treasurer

David Martinez
Name: David Martinez, Secretary

Acéquia de la Otra Banda

Angela Serrano
Name: Angela Serrano
Title: Pres.

Mario N. Mora
Name: Mario N. Mora
Title: Secretary

Ross Martinez
Name: Ross Martinez
Title: Treasurer